

REMARKS

Claims 1-35 have been cancelled. By the present amendment, Applicants have added new claims 36-40, which have been copied from Claims 1-5, respectively, of United States Patent No. 6,039,344 to Mehney et al. (Mehney '344) issued on March 21, 2000. Thus, the requirements of 37 CFR 1.607(a)(4) are met, i.e., Applicants have a pending claim that is present in the application within the one year period from the issue date of the Mehney '344 patent. Applicants have also added new claims 41-55.

The entire interest in Applicants' invention, which is the subject of this application has been assigned to Siemens Automotive Corporation.

Applicant's Effective Filing Date

The effective filing date for all of Applicant's claims, i.e., the newly copied claims 36-40, is November 12, 1997 which is the filing date of provisional application 60/065,115 to which United States Patent No. 6,070,115 (the parent of the present application) claims priority to.

Patentee's Effective Filing Date

The effective filing date for Claims 1-5 of the Mehney '344 patent is January 9, 1998, the filing date of the patent.

Proposed Count

Applicants present the following proposed Count 1:

Apparatus comprising:

a vehicle seat frame;

a plurality of deflectable mounting structures which together
bear the entire weight of said frame;

a plurality of vehicle occupant weight sensor assemblies, each of said weight sensor assemblies comprising a strain gauge mounted on a corresponding one of said deflectable mounting structures; and
a vehicle occupant protection device responsive to said weight sensor assemblies.

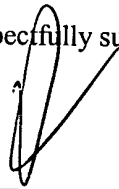
The proposed Count 1 is identical to Applicant's Claim 36 and Claim 1 of the Mehney '344 patent.

Summary

Applicant's effective filing date is prior to the patentee's effective filing date thereby entitling Applicants to priority of invention.

It is believed that no additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, for any additional fees or credit the account for any overpayment.

Respectfully submitted,



Theodore W. Olds
Registration No. 33,080
Attorneys for Applicant
Carlson, Gaskey & Olds
400 West Maple, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

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